SUPREME COURT OF THE

STATE OF MICHIGAN

In re Estate of CLIFFMAN.

Supreme Court No. 151998
Court of Appeals No. 321174
Allegan County Probate Court
File No. 13-58358-DE

PHILLIP CARTER, ELMER CARTER, DAVID CARTER and DOUG CARTER,
Appellants,
vs.

RICHARD D. PERSINGER, Personal Representative of the Estate of GORDON JOHN CLIFFMAN, BETTY WOODWYK and VIRGINIA WILSON,
Appellees.

APPELLANTS' SUPPLEMENTAL BRIEF

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INTRODUCTION

This Court's Order of March 23, 2016[1] instructed the parties to file supplemental briefs "addressing whether MCL 600.2922(3)(b) [of Michigan's Wrongful Death Act] allows stepchildren[2] of a decedent to make a claim for damages where the [stepchild's] natural parent predeceased the decedent, and if so, whether this Court should overrule *In re Combs Estate*, 257 Mich App 622 (2003)."[3] Framing the issue in that way, this Court recognized that the statutory phrase "children of the deceased's spouse" is the equivalent of "stepchildren." Equating the two is logical because they are virtually definitional equivalents, that is, they mean the same thing. (See dictionary definitions of "stepchild" below, at pg. 6).

In point of fact, the definitions are a bit different. The difference has no impact on the issue addressed in this supplemental brief, i.e. whether the relationship survives the death of the biological parent. However, for purposes of determining legislative intent, the distinction is very relevant. The statutory phrase "children of the deceased's spouse" actually "casts a broader net" than the term "stepchild." The definition of "stepchild" would limit the class to "a spouse's children from a prior marriage," whereas the statutory phrase "children of the deceased's spouse" does not limit the class in that manner, and could include the spouse's child who may have been born out of wedlock, and the spouse's adopted children.

Analyzing "stepchild" is appropriate for another reason, independent of this Court's re-characterization of the statutory phrase. §2922(3)(a) specifically includes the deceased's "children" in the class of individuals who may file claims for a portion of the settlement proceeds. Although neither "child" nor "children" are defined in §2922, the definition of "child" in Black's Law Dictionary[4] actually ***includes step-children***:

> **Child.** Progeny; offspring of parentage. Unborn or recently born human being. [citation omitted] At common law one who had not attained the age of fourteen years, though the meaning now varies in different statues; e.g. child labor, support, criminal, etc. statutes. ***The terms "child" or***

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[1] Exhibit A

[2] MCL 600.2922 does not use the term "stepchild," perhaps because the phrase "children of the deceased's spouse" is intuitively apparent, see e.g. *People v Keskimaki*, 446 Mich 240, 246 (1994), or perhaps because of the stigma associated with the term "stepchild."

[3] Exhibit A

[4] 5th Ed. (1979), which was the current edition in 1985 when §2922 was amended

> ***"children" may include or apply to:*** adopted, afterborn, or illegitimate child; ***step-child***, child by second or former marriage; issue. *Black's Law Dictionary* (5th Ed. 1979) pg 217, emphasis added)

Accordingly, whether through the definition of "child" or through the definitional equivalence of "children of the deceased's spouse," an analysis of "stepchild" is appropriate. However, as will be shown, even if this Court concludes that dictionary definitions embracing stepchildren within the meaning of "child" are insufficient to resolve this dispute, or give rise to an ambiguity in the statute, the great weight of authority and common usage precludes a conclusion that a "child" ***does not include*** a "stepchild," even when that stepchild's natural parent predeceases the stepparent. The "peculiar and appropriate" meaning of "child" under MCL 8.3a encompasses a stepchild of the decedent in the absence of a clear legislative indication to the contrary.

QUESTION PRESENTED FOR REVIEW

Do either MCL 600.2922(3)(a) or (b) allow stepchildren of a decedent to make a claim for damages when their natural parent predeceased the decedent stepparent?

Appellants say: YES.

Appellees say: NO.

ARGUMENT

To conclude ***as a matter of law*** that stepchild/stepparent relationships terminate when a stepchild's biological parent dies not only misstates the law, it is often a gross distortion of reality, and certainly was in this case. Each step-relationship is unique. No doubt some step-relationships can fade quickly after the biological parent's death, but other step-relationships can continue, even flourish, after the biological parent dies. By including "children of the deceased's spouse" in the 1985 amendment to §2922, the Michigan legislature recognized this fact, and intended to allow ***all stepchildren***, not just those whose biological parent survived the death of the stepparent, to file claims for a portion of the settlement proceeds.

Defining words or phrases undefined by statute.

On its face, Section 2922 offers neither a definition nor guidance for determining whether the death of a stepchild's biological parent terminates the step-relationship that explicitly entitles a stepchild to participate in the proceeds of a wrongful death recovery. The legislature has instructed the courts how to determine the meaning of terms undefined in a statutes:

> "All words and phrases shall be construed and understood according to the ***common and approved usage*** of the language; but technical words and phrases, and such as may have acquired a ***peculiar and appropriate*** meaning in the law, shall be construed and understood according to such ***peculiar and appropriate*** meaning." MCL 8.3a (emphasis added)

Following this directive, this Court must (1) ascertain the common understanding of the "stepchild/stepparent" relationship, and (2) determine whether that common understanding is determinative on the issue whether the step-relationship survives the death of the stepchild's biological parent.

MCL 8.3a imposes no parameters or limits on what factors a court may look to in ascertaining the common meaning or understanding of a non-technical word or phrase, or in determining whether the "peculiar" meaning that term has acquired through judicial interpretation in one context is "appropriate" when applied in another. However, it is a well-recognized precept that in ascertaining a word's "plain and ordinary meaning" this

Court may rely on a dictionary definition. *Johnson v Pastoriza*, 491 Mich 417, 436 (2010), citing MCL 8.3a.

Indeed, resorting to a dictionary is the preferred way of ascertaining a word's common meaning. Unfortunately, dictionary definitions are not always dispositive. Some words, if they are defined in isolation, and thus out of context, may not indicate their intended use. *See e.g., Frame v Nehls*, 452 Mich 171, 178-179; 550 NW2d 739 (1996). This is one such case. Here, it is impossible to conclude from dictionary definitions alone whether the legislature intended for "child of the deceased's spouse" or "stepchildren" to exclude stepchildren whose biological parent dies before the stepparent. To determine legislative intent, it is critical to consider the context in which the term is used in the statute.

In order to determine the common understanding of when a step-relationship ends, this Court is free to examine relevant case law, relevant statutes, and any other empirical evidence that may be helpful. If that analysis provides a clear answer to the question before the Court, the inquiry stops and no further inquiry is necessary or allowed.[5] On the other hand, if this Court determines that, under the common understanding, a statutory term is ***ambiguous*** or ***equally susceptible*** to more than one interpretation, the Court may look to extrinsic evidence, such as ***relevant and reliable*** statutory history, and the definitions of "stepchild" in other ***related*** Michigan statutes *in pari materia*. (See Appellants' Brief in Support of Motion for Leave, filed on July 17, 2015, pages 24-28 for a detailed discussion of those analyses.)

Dictionary definitions of "stepchild" are unclear and ambiguous.

Dictionary definitions of "stepchild" suggest that 2922(3)(b) includes the children of the decedent's spouse, regardless of which spouse survived the other, so long as the decedent had not acquired a new spouse. Dictionary definitions of "stepchild" are consistent in defining a stepchild:

[5] "Where the language is clear and unambiguous, our inquiry ends and we apply the statute as written." *Grimes v Michigan Dep't of Transportation*, 475 Mich 72, 76 (2006); citing *Huggett v Dep't of Natural Resources*, 464 Mich 711, 717; 629 NW2d 915 (2001). Only when the statutory language is ambiguous may a court properly go beyond the words of the statute to ascertain legislative intent. *Sun Valley Foods Company v Ward*, 460 Mich 230, 236 (1999); citing *Luttrell v Dep't of Corrections*, 421 Mich 93; 365 NW2d 74 (1984).

> **step-child.** The child of one of the spouses by a former marriage. A child who has a parent by his natural parent's second marriage and has not been adopted by that parent.
> *Black's Law Dictionary* (5th Ed., 1979)
>
> **stepchild :** a child of one's wife or husband by a former partner
> *Third New International Dictionary* p. 2237 (3rd Ed., 1993)
>
> **stepchild :** child of one's husband or wife by a previous marriage.
> *Concise Oxford English Dictionary* (11th Ed., 2004)
>
> **stepchild :** 1. Child of one's husband or wife by a previous marriage. . . .
> *The Random House Dictionary of the English Language* (Second Ed., 1987)
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> **stepchild :** 1. a child of one's husband or wife by a previous marriage. . . .
> *Random House Webster's Unabridged Dictionary* (Second Ed., 2001)
>
> **stepchild :** 1 : a child of one's wife or husband by a former marriage . . . .
> *Webster's New Collegiate Dictionary* (1980)

These uniformly consistent dictionary definitions are certainly helpful in determining what a stepchild ***is***, but also ***when*** or ***how*** a person ***becomes*** a stepchild. One acquires that status when his or her unmarried parent marries someone other than that child's other biological parent. Just as importantly, they contain no suggestion that one ceases to be a stepchild because their natural parent dies. At the very least, their silence on this point creates an ambiguity, because the statute is ***equally susceptible***[6] to multiple interpretations.

It is undisputed that when Betty Carter and Gordon Cliffman were married in 1976, Betty's six young boys became Gordon's stepchildren. The Appellees will hopefully concede that fact. The issue for this Court is whether, ***as a matter of law***, Betty's death terminated the boys' status as Gordon's stepsons.

The problem with such strict reliance on a dictionary definition is that it ignores the requirement that any analysis of the common use of any term, including "stepchild" (or

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[6] The current law in Michigan provides that a statutory provision is ambiguous "only if it "irreconcilably conflict[s]" with another provision, [citing *Klapp* at 467] or when it is ***equally susceptible*** to more than a single meaning." *Mayor of the City of Lansing v Michigan Pub Serv Comm'n*,470 Mich 154, at 167, 680 NW2d 840 (2004)

"children of the deceased's spouse") must consider ***the context*** in which it is used in the statute.[7] Words and phrases in a statute do not stand alone, they must be read in the context of the entire statute. *G C Timmis & Co v Guardian Alarm Co,* 468 Mich 416, 421, 422 (2003). "[A] statute must be read as a whole, and while individual words and phrases are important, the words and phrases should be read in the context of the ***entire legislative scheme***." *Herman v Berrien Co*, 481 Mich 352, 366; 750 NW2d 570 (2008) (emphasis added.)

Without any meaningful analysis, the court in *Combs* categorically concluded, in the span of two sentences, that the termination of a marriage automatically terminates the stepchild/stepparent relationship. The court literally broke the phrase "children of the deceased's spouse" into separate words and focused on the dictionary definition of "spouse" and imputed "at the time of his death" into the statute. The court used unrelated case law, ignored the common understanding of "stepchild," and failed to consider the placement of "spouse" in the context of the rest of §2922. The *Combs* majority certainly cited no authority for the proposition that, in common understanding, one ceases to be a stepchild at the moment that one's natural parent dies. That holding is inconsistent with societal norms and mores, and a layperson's common usage and understanding of the term "stepchild." That holding is also inconsistent with the use of "stepchild" in judicial opinions (both in Michigan and other states), in relevant statutes dealing with "stepchildren," and in everyday life, as evidenced through obituaries and news articles, and even in children's stories.

Non-dictionary evidence of the common understanding of "stepchild"

Society accepts and understands that step-relationships survive the biological parent's death. This is not readily evident from dictionary definition of "stepchild." To prove this, the Court may consider empirical examples of how "stepchild" is commonly used and understood in everyday life, relevant case law, statutes, obituaries, news articles, and even children's literature, all of which are replete with evidence that the stepchild/stepparent relationship is commonly understood to survive the biological parent's death.

[7] MCL 8.3a (West 2016)

American Case Law generally

There is near consensus among American courts (*Combs* being one of the exceptions) that if a statute or contract is ***remedial***[8] the step-relationship is typically deemed to have ***continued*** after the death of the stepchild's biological parent. Conversely, if the continuation of the step-relationship would tend to result in a ***penalty*** to the stepchild[9] or the stepparent,[10] the relationship is typically deemed ***terminated***. See, *Patmon, infra*. Here, of course, no penalty accrues to a stepchild who participates in distribution of wrongful death proceeds.

Michigan Case Law is mixed regarding the durability of step-relationships.

The Michigan Court of Appeals is mixed on whether the death of a biological parent terminates the stepchild/stepparent relationship. Although none of those appellate court cases analyzes the word "stepchild," they are instructive nonetheless. The most ***relevant*** case, of course, is *Combs*, which the Carters seek to overturn. In *Combs*, the court dealt with the same phrase here: "children of the deceased's spouse." An unpublished case, *Galeski v Wajda*,[11] followed *Combs*.

The most ***recent*** case is *Patmon v. Mendelson Orthopedics, P.C.,* an unpublished opinion *per curiam* of the Court of Appeals, issued December 23, 2014 (Docket No. 318307).[12] In *Patmon*, the court was asked to interpret an insurance contract which provided no-fault coverage to relatives who are "related by . . . marriage" to the person named in the policy. The court found that the contract language ***unambiguously included*** the insured's stepdaughter, even though the stepdaughter's mother was deceased.

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[8] E.g. uninsured motorist coverage under an insurance policy, (see *Sjogren v Metro Prop & Cas Ins Co*, 703 A2d 608 (RI, 1997), See Exhibit B; and *Patmon*, *infra*); the right to file a claim in a wrongful death case (see *Blessing, infra);* and favorable inheritance tax treatment (see *In re Bordeaux's Estate*, 225 P2d 433 (Wash. 1950)) See Exhibit C.

[9] E.g. homeowner's liability coverage (see *Randolph v. Nationwide Ins.*, 170 Misc.2d 364 (N.Y. Misc. 1996)), See Exhibit D.

[10] E.g. criminal incest statutes (see *State v. Lowe*, 861 N.E.2d 512 (Ohio 2007)) See Exhibit E.

[11] *Galeski v Wajda*, an unpublished opinion *per curiam* of the Court of Appeals, issued December 1, 2005 (docket No. 260878) See Exhibit F.

[12] Pursuant to MCR 7.215(c)(1), Appellants state that this decision is cited owing to the scarcity of decisions pertinent to the question presented and illustrating the common understanding and treatment of step-relationships. See Exhibit G.

Although it was not published, *Patmon* is relevant for two reasons. First, although the insured's wife was deceased, the court consistently referred to the wife's daughter as the insured's "stepdaughter," and to the insured as her "stepfather." By using those terms, the court implicitly understood that the step-relationship survived death, at least in the colloquial sense, illustrating the common judicial understanding of step-relationships in the absence of a contrary indication by the legislature. Second, although it was an insurance contract case, the opinion includes an excellent discussion of stepchildren, the termination of the step-relationship, *Combs,*[13] and many of the relevant out of state cases dealing with the same issues.

The *Patmon* court examined nearly all of the out-of-state cases commonly cited in Michigan decisions. After scouring this state and the country, the court stated:

> [W]e have found no Michigan case law interpreting the phrase "related . . . by marriage." Several other courts, however, have analyzed whether the same or strikingly similar insurance policy language subsumes a stepparent relationship even when the biological parent is no longer present. ***Virtually all of them have concluded that it does. Thus, we find the term "related . . . by marriage" unambiguous and susceptible of a common understanding as inclusive of a stepparent relationship that endures the death of the biological parent.*** *Patmon,* slip op. at pg.[14] 4. (emphasis added.)

Summarizing its findings, the court stated that "the weight of this authority persuades us that the common understanding of the term "related by marriage" can encompass a stepparent relationship even absent the biological parent." *Patmon*, at pg. 6. To eliminate any doubt about its views on the matter, the court concluded: "By common understanding, that phrase [related by marriage] envisages an insured's stepchildren, regardless of whether the biological parent survives." *Patmon*, slip op. at pg.[15] 8.

The third and ***oldest*** Michigan case, *Hilliker v Dowell* 54 Mich App 249 (1974), was a life insurance case. The insured, Nolan Dowell, was married but had no children of his own. When he procured the policy, he named his wife as the primary beneficiary and "children" (his stepchildren) as the secondary beneficiary. After Nolan and his wife

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[13] The majority in *Patmon* distinguished Combs on the basis that "related by marriage" is different from "children of the deceased's spouse." The Carters contend that the two phrases lack a meaningful legal difference, and urge this Court to adopt that court's analysis.

[14] See Exhibit G.

[15] See Exhibit G.

divorced, Nolan did not change the beneficiary on his policy. After Nolan died, the court held that the stepchildren were still entitled to the proceeds, even though their mother and Nolan were divorced. Citing MCLA 552.101 and *Starbuck v City Bank and Trust Co*, 384 Mich 295; 181 (1970), the court acknowledged that the divorce disqualified the wife as a beneficiary, but did not disqualify the decedent's stepchildren. Significantly, unlike the *Combs* majority, the *Hilliker* Court recognized that the legal consequences flowing from the end of the marriage as to the spouse were not controlling as to that spouse's children.

Out-of-State Case Law supports the conclusion that step-relationships survive the natural parent's death.

Several foreign courts have directly addressed whether stepchild/stepparent relationships terminate when the marriage is terminated, whether by death of the biological parent, or by divorce. As the court in *Patmon* pointed out,[16] those cases generally fall into two categories, depending on the ***context*** of the situation. Those cases ***consistently*** held that step-relationships ***survive*** in situations involving a ***beneficial*** interest to the stepchild: wrongful death recovery (step-relationship ***survives*** death),[17] inheritance tax (step-relationship ***survives*** death),[18] [19] [20] succession tax (step-relationship ***survives*** death),[21] life insurance benefits (step-relationship ***survives*** death),[22] no-fault motor vehicle insurance (step-relationship ***survives*** death),[23] uninsured motorist coverage (step-relationships and in-law relationships ***survive*** death),[24] and the right to marry (step-relationship ***survives***

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[16] *Patmon*, at pg 4, fn 3.
[17] *In re Estate of Blessing*, 273 P3d 975 (Wash 2012). See Exhibit H.
[18] See e.g., *In re Estate of Bordeaux*, 37 Wash.2d 561, 225 P.2d 433 (Wash. 1950), See Exhibit C; *Depositors Trust Co. of Augusta v. Johnson*, 222 A.2d 49 (Maine 1966). See Exhibit I.
[19] *Farnsworth v. Iowa State Tax Comm*, 132 N.W.2d 477 (Iowa 1965) (daughter-in-law status survived the death of the testator's son for inheritance purposes). See Exhibit J.
[20] *In re Estate of Iacino*, 189 Colo 513, 542 P.2d 840 (Colo. 1975). See Exhibit K.
[21] *Dennis v Commissioner of Corporations and Taxation*, 340 Mass 629 (1960); See Exhibit L; *Lavieri v, Commissioner of Revenue Services*, 184 Conn. 380 (1981); See Exhibit M; *Tax Comm. v Estate of Bissell*, 377 A2d 305 (1977). See Exhibit N.
[22] See, e.g. *Simcoke v. Grand Lodge of A. O. U.. W. of Iowa*, 84 Iowa 383; *Steele v. Suwalski*, 75 F.2d 885 (1935), See Exhibit O; *Mutual of Omaha Ins. Co. v Walsh*, 395 F.Supp. 1219 (D.Mont. 1975), See Exhibit P; and *Brotherhood of Locomotive Firemen and Enginemen v. Hogan et al.*, 5 F. Supp. 598 (1934) (distinguishing between marriage with issue and marriage with no issue). See Exhibit Q.
[23] *Patmon*, *supra*.
[24] *Remington v Aetna Cas & Surety Co.*, 35 Conn App 581; 646 A2d 266 (1994), rev'd on other grounds 240 Conn 309; 692 A2d 399 (1997). See Exhibit R.; *Sjogren v Metro Prop & Cas Ins Co.*, 703 A2d 608 (RI, 1997). See Exhibit B.

death).[25] Similarly, those courts ***consistently*** held that step-relationships are ***terminated*** in situations where there is no beneficial interest, or where the result would result in a ***penalty*** to the stepchild: judicial recusal (step-relationship does NOT survive death),[26] [27] and incest (step-relationship ***does NOT*** survive death.)[28] [29] [30] These latter cases come as no surprise, however, since those cases often involve criminal statutes (incest), and thus involve the rule of lenity, which gives the benefit of any ambiguity to the accused,[31] applies.

It is important to note that in ***all*** of those cases, the courts consistently refer to the children as "stepchildren," ***even after their biological parent had died***, or after the biological parent and stepparent had divorced.

In re Blessing is especially persuasive.

At least nine states,[32] including Michigan, ***expressly include*** stepchildren[33] as potential beneficiaries in their wrongful death statutes. At least two others include individuals, including by implication, stepchildren, who are "dependent" on the decedent.[34] Despite the increasing number of states including stepchildren in their statutes, only one reported case found deals with stepchildren in the context of a wrongful death action. *In re Estate of Blessing*, 273 P3d 975 (Wash. 2012).

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[25] *Rhodes v. McAfee*, 457 S.W.2d 522 (Tenn. 1970) (marriage is void *ab initio*, no homestead allowance). See Exhibit S.

[26] See *Spear v. Robinson*, 29 Me. 531 (1849); *State v. Vidales*, 571 N.W.2d 117 (Neb. 1997). See Exhibit T.

[27] *Bliss v. Caille*, 149 Mich 601 (1907).

[28] *State v. Lowe*, 861 N.E.2d 512 (Ohio 2007). See Exhibit E.

[29] *State v Gish*, 352 S.E.2d 800 (Ga. Ct. App. 1987) (affinity did not cease on death of biological parent). See Exhibit U.

[30] See *Tennessee Atty. Gen. Op. No. 05-010* (2005) (step-relationship ceases at death of biological mother). See Exhibit V.

[31] *State v. Blair*, 2013 Ohio 3477 (2013). See Exhibit W; *Noble v. State*, 22 Ohio St. 541 (1872)

[32] The others being Arkansas (Ark. Code Ann. 16-62-102 (2010)). See Exhibit X; California (Cal. Civ. Proc. Code § 377.60(b) (West 2004)). See Exhibit Y; Delaware (Del. Code Ann. Title 10, §3724 (2016)). See Exhibit Z; Idaho (Idaho Code Ann. § 5-311 (2010)). See Exhibit AA; Maryland (Md. Code Ann., Cts. & Jud. Proc. 3-904 (2016)). See Exhibit BB; Oregon (Or. Rev. Stat.. § 30.020 (2011)). See Exhibit CC; Utah (Utah Code Ann. § 78B-3-105 (LexisNexis 2012)). See Exhibit DD; and Washington (Wash. Rev. Code § 4.20.020)). See Exhibit EE.

[33] Including others such as "person(s) related to the deceased person by blood or marriage" (Delaware, Maryland) and "children of the deceased's spouse" (Michigan)

[34] Some states have statutes which include any person who is wholly or partially dependent on the decedent to file claims. See e.g. Alaska (Alaska Stat. 09.55.580 (Michie 1998)); and Hawaii (Hawaii Revised Statutes § 663-2 (2016)). Thus, if a stepchild were dependent on a stepparent, he could file a claim, even though he is not a blood relative.

The facts in *Blessing* were nearly identical to those in both this case and *Combs,* with no differences legally distinguishing it from this case. Like Mr. Cliffman, Mrs. Blessing died as the result of injuries she received in an automobile accident, and, like Mr. Cliffman, Mrs. Blessing's estate negotiated a monetary settlement with the negligent driver and with Mrs. Blessing's insurance carrier for uninsured motorist coverage.

Mrs. Blessing was married ***three*** times. After she divorced her ***first*** husband, she married husband number ***two***. After her ***second*** husband died, she married husband number ***three***. After her ***third*** husband's death, Mrs. Blessing was killed in an automobile accident. Her ***second*** husband's children sought a portion of the wrongful death proceeds, even though Mrs. Blessing remarried after their father's death.

In addition, Mrs. Blessing had provided for her stepchildren in her will, and maintained a close relationship with them. *Id.*, p. 584. Here, although Gordon Cliffman left no will,[35] he did maintain a very close relationship with his stepsons, two of whom were living with him when he died. It is clear that the quality of the stepchild/stepparent relationship is irrelevant to the ***interpretation*** of §2922(b). However, it would be very relevant to a ***determination of the loss*** suffered by a stepchild under MCL 600.2022(d), which must be made in ***every*** wrongful death case.

It is worth noting that in *Combs,* the decedent provided ***nothing*** for her stepchildren in her will, which she signed a mere 45 days after her husband's death. *Combs*, at pg. 623. This may indicate that she did not have a close relationship with her husband's children, which would be relevant only to determining what loss they suffered. Whether consciously or not, this may have influenced the probate court's decision to preclude Ellen's stepchildren from filing claims, when, in fact, that relationship was relevant only to determining what percentage of the wrongful death recovery proceeds was distributable to them pursuant to MCL 600.2922(d).

The Supreme Court in *Blessing* held ***unanimously*** that the stepchild relationship ***does not end*** at the death of the biological parent, ***or even upon the step-parent's subsequent remarriage***. It is interesting to point out that while the Appellate Court in *Blessing* cited *Combs*,[36] the Supreme Court in *Blessing* failed to mention it.

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[35] Although Gordon told his stepsons that he and Betty had signed wills, no will has ever been found.
[36] *In re Estate of Blessing*,160 Wn. App. 847, 853 (Wash. Ct. App. 2011) See Exhibit H.

Washington's wrongful death statute[37] provides as follows:

> Every such action shall be for the benefit of the wife, husband, state registered domestic partner, child or children, ***including stepchildren***, of the person whose death shall have been so caused. If there be no wife, husband, state registered domestic partner, or such child or children, such action may be maintained for the benefit of the parents, sisters, or brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his or her death. RCW 4.20.020 (2016) (emphasis added)

In *Blessing*, the estate (Mrs. Blessing's biological children) argued that the second husband's children should not be allowed to file claims, since the dictionary definitions of "stepchild" did not ***specifically include*** children of a decedent's "ex-spouse" or "former spouse." The court dismissed that argument by simply observing that the definitions did not specify "present spouse" either! *Blessing*, at 977.

The *Blessing* Court relied heavily on *In re Estate of Bordeaux*, 37 Wn.2d 561, 225 P.2d 433 (1950). Although *Bordeaux* was an inheritance tax case, not a wrongful death case, the *Blessing* court nonetheless unanimously adopted *Bordeaux's* plain meaning analysis of "stepchild." The Bordeaux court held that the dictionary definition of "stepchild" did not preclude or exclude the children of a predeceased spouse. *Id.*, at 563. The court then provided a lengthy historical discussion of relationships of "affinity," ranging from judicial recusal and incest cases, to workers' compensation and life insurance contexts.

The *Bordeaux* court went so far as to take judicial notice of the common understanding that step-relationships ***do not end*** at death of the stepchild's biological parent:

> ***It is not an abuse of judicial notice*** to take into consideration ***the common meaning of the word "stepchild" and to observe that, in point of actual fact, probably not one legislator, of the many who were involved in the passage of these various acts, understood the word to apply only in connection with those children whose natural parent survived their stepparent***, or with those children whose natural parent left issue to continue the tie of affinity between them and the surviving stepparent.
>
> The only justification for such an esoteric interpretation is that the legal meaning of "stepchild" requires it as a result of the supposed common-law

[37] Like Michigan, Washington amended its wrongful death statute in 1985, to include "stepchildren" in the class of potential claimants.

> rule that the tie of affinity is broken upon the death, without issue, of the husband or wife whose marriage gave rise to it. ***But isolated statements in the legal encyclopedias to the contrary notwithstanding, there is no such absolute principle***, and there never has been, either in the English common law, which continued the tie for purposes of forbidding marriage between a man and his affinity relatives, or in the American common law, which has continued it for purposes of holding beneficiaries under insurance policies and workmen's compensation laws competent to take as relatives. *Bordeaux*, p. 591. (emphasis added)

That sentiment was echoed by the Maine Supreme Court in *Depositors Trust Co. of Augusta v. Johnson*, 222 A.2d 49 (Maine 1966)[38]. Like *Bordeaux*, *Depositors Trust* was an inheritance tax case dealing specifically with the word "stepchild." After referring to *Bordeaux* numerous times, the Court discussed the stepchild/stepparent relationship at length:

> The considerations which would motivate a stepfather to provide for a stepdaughter in his will may be as cogent after the death of the stepdaughter's mother and after the stepfather's remarriage, and the use by the Legislature of the broad designation of stepchild without further limitative restrictions of any kind spells out a legislative object the breadth of which ought not to be cramped by a narrow judicial construction, especially where the legislative purpose may be reached without doing violence to any part of the statutory language. ***It would have been so easy for our Legislators, if such had been their intention, to make special exclusionary provisions for stepchildren of step-parents whose marriage to the natural parent was dissolved by death***, whether remarried or not, that ***the absence thereof militates against accordant judicial strictures by implication***. . .
>
> ***The tie of affinity between step-parent and stepchild survives the death of the natural parent whose marriage had given rise to it***., . . .*Id.*, at 51-52 (emphasis added).
>
> By the marriage, one party thereto holds by affinity the same relation to the kindred of the other, that the latter holds by consanguinity. ***And no rule is known to us, under which the relation by affinity is lost on a dissolution of the marriage, more than that by blood is lost by the death of those, through whom it is derived***; ***the dissolution of a marriage, once lawful, by death or divorce, has no effect upon the issue; and it is apprehended, it can have no greater operation to annul the relation by affinity, which it produced***. *Id. at 53*, citing *Spear v. Robinson*, *supra*. (emphasis added).

[38] Exhibit I.

> The use of the term stepchild under those circumstances without any restrictive limitation and in the light of the broad rule enunciated in *Spear*, indicates ***without doubt a legislative purpose to adopt the term in its ordinary, common and everyday meaning, in recognition of the fact that ties of affinity are often stronger than those between collateral, or even lineal, kinsmen by blood. The relationship of stepchild and step-parent, once created, is not generally regarded as terminated by the death of one of the parties to the marriage or by a divorce, nor by the remarriage of the step-parent.*** Id. at 54 (emphasis added)

Similarly, had it so intended, the Michigan legislature easily could have included words of limitation, such as "the deceased's ***surviving*** spouse." In point of fact, they ***removed*** "surviving spouse" from the prior version of §2922, and also removed "surviving" from the initial draft of the 1985 amendment, which was discussed at length in the Carters' prior briefs filed with this Court. This is a form of "legislative history" that this Court has deemed both permissible and persuasive:

> Some historical facts may allow courts to draw reasonable inferences about the Legislature's intent because the facts shed light on the Legislature's affirmative acts. For instance, we may consider that an enactment was intended to repudiate the judicial construction of a statute, ***or we may find it helpful to compare multiple drafts debated by the Legislature before settling on the language actually enacted***. *In re Certified Question*, 468 Mich 109, 115, n.5 (2003), citing *People v Gardner*, 482 Mich 41, at 58 (2008) (emphasis added).

"Courts cannot assume that the Legislature inadvertently omitted from one statute the language that it placed in another statute, and then, on the basis of that assumption, apply what is not there." *Farrington v Total Petroleum Inc*, 442 Mich 201, 210; 501 NW2d 76 (1993).

Though *Blessing, Bordeaux* and *Depositor's Trust* are not binding on this Court, the sentiment they embrace is supported by ample evidence of similar views embodied in Michigan cases and statutes. Here, of course, no prior decisions of this Court deal with the issue at hand, only intermediate appellate opinions, including *Combs*, and, most recently, *Patmon*. Unlike *Patmon*, however, the *Combs* opinion included no discussion of affinity, survivor, or relevant out-of-state cases. The *Combs* Court disposed of the matter perfunctorily, without ever hearing argument. *Combs*, at pg. 623. Its reasoning should be examined critically for these reasons.

Michigan Courts' consistent use of "stepchild" supports the conclusion that step-relationships survive the natural parent's death.

On numerous occasions, this Court and panels of the Michigan Court of Appeals have referred to individuals as "stepchildren" even after the individuals' biological parents have died.[39] Those courts have used the term "stepchildren" in varying contexts, ranging from estate distribution cases (excluding stepchildren), to life insurance proceeds cases (including stepchildren), to criminal incest cases (inconclusive), to wrongful death (*Combs*). Yes, even *Combs* referred to the decedent as the claimants' "stepmother"! These cases further illustrate the common meaning of "stepchild" and further support the Carters' contention that, regardless of context, the step-relationship survives the death of the biological spouse, even when the statute under consideration is interpreted unfavorably to their claims.

Kar v. Hogan, 399 Mich 529 (1976). Aside from *Patmon* and *Combs*, both of which used "stepchild" language, the most notable case is *Kar v. Hogan*, 399 Mich 529 (1976). Like *Blessing*, *Kar v Hogan* involved a ***stepparent relationship twice removed.*** John and Helen Kar had two children. They owned real estate as husband and wife. After ***Helen's*** death, John married Julia. John deeded the property from himself (as survivor of Helen) to himself and Julia as husband and wife. After ***John's*** death, Julia married Edward Merkiel. Like John before her, ***Julia*** deeded that property from herself (as survivor of John) to herself and Edward as husband and wife. When ***Julia*** died, John and Helen's children brought suit against Edward to set aside the deed to the real estate which Julia had executed to herself and Edward. In its written opinion, this Court referred to the plaintiffs as Julia's "stepchildren," ***even though both John, their natural father, and Julia, their step-mother, were deceased!*** *Id.*, at 536. That case clearly demonstrates this Court's embrace of the common understanding that the stepparent/stepchild relationship survives the biological parents' death, ***even after the death of the stepparent!*** Like this Court, the Court of Appeals in *Kar* also referred to the plaintiffs as Julia's "stepchildren." *Kar v Hogan* 54 Mich App 664 (1974). These opinions exemplify a use of "stepchildren" entirely consistent with the Carters' interpretation here.

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[39] Whether a stepchild ceases to be a stepchild upon the parents' divorce is not at issue here.

Winchell v Mixter, 316 Mich 151 (1946), involved an attempt to impose a constructive trust. Dorwin Winchell died in 1911. He was survived by his ***second wife***, Sarah, and two children from his first marriage, Martha and Roy. Dorwin's will provided for Sarah, Martha and Roy. After Dorwin's death, a dispute arose between Sarah, Martha and Roy, regarding the division of assets. They resolved their differences and, pursuant to their agreement, Sarah executed a new will that comported with the terms of their agreement. Later, Sarah executed a second will, which deviated from the first will and the agreement. The issue was whether the later will violated the prior agreement between Sarah, Martha and Roy. Throughout the case, the Court consistently referred to Martha and Roy as Sarah's "stepchildren" and to Sarah as Martha and Roy's "stepmother," ***even though Dorwin had been deceased for more than 30 years.***

In *Barrett v Swisher*, 324 Mich 638 (1949), Ida and William Barrett had two children together. When William died, Ida married John Swisher, who had a son, Neil, by his first marriage. John died in 1935 and left the use of his estate to Ida. Ida deeded her home to Neil and his wife. A dispute arose between William and Ida's son, Carl, and Ida's stepson, Neil. Again, this Court referred to Neil as Ida's "stepson," ***even though John had been dead over ten years***.

In *Brooks v. Gillow*, 352 Mich 189 (1958), a dispute over a land contract, the decedent (a widow) was the seller and her niece the purchaser. After the decedent's death, the niece brought suit against the estate beneficiaries, whom the Court described as "the ***stepchildren*** of the deceased and children of [the decedent]'s husband, ***who predeceased her***." *Id.*, at 191 (Emphasis added). Again, this Court acknowledged that the step-relationship survived his death.

The same recognition that the step-relationship survives the death of ***both*** the natural parent ***and*** the step-parent is reflected in this Court's opinion, in *Thurn v McAra*, 374 Mich 22 (1964). When he died, Charles Burr was a widower with five daughters of his own and one stepdaughter from his deceased wife's prior marriage. In a dispute between Charles' stepdaughter and his estate, the Court referred to his deceased wife's daughter as his "***step-daughter***" and to Charles as her "***step-father***." *Id.*,374 Mich at 27, 29.

In re Brink Estate, 11 Mich App 413 (1968), involved a dispute over the validity of the decedent's last will and testament. One of the interested persons was the decedent's husband's daughter, whom the court referred to as the decedent's "step-daughter," ***even though the decedent was a widow at her death.***

Dixon v Dixon, 16 Mich App 42 (1969), involved a dispute between the decedent's surviving widow and her son by a prior marriage. Under their joint will, Samuel and Eva Dixon left the survivor of them a life estate in a commercial building, with one-half of the remainder to be distributed after the survivor's death, to the plaintiff, whom the court referred to as "son of [Samuel] and stepson of [Eva]" ***even though Samuel pre-deceased Eva.***

In *In re Crossman Estate*, 145 Mich App 154 (1985), Frank Crossman died with no known heirs, but his ***deceased wife*** had three daughters from her prior marriage. Although Frank never adopted those daughters, they argued that they should be considered Frank's children through the doctrine of equitable adoption. The court referred to the daughters as Frank's "stepdaughters" and to Frank as their "stepfather," ***even though their mother died before Frank.***

In *In re Smith Estate,* 145 Mich App 634 (1985), Raymond Smith was a widower who was survived by a son, Donald, and his ***deceased wife's son***, whom the court referred to as Raymond's ***"stepson,"*** even though Raymond was not married at the time of his death. To the same effect is *In re Finlay Estate*, 154 Mich App 350 (1986), in which the decedent, Linda, married John, who had four children from a prior marriage. While Linda and John were married, Linda executed a will that left some minor bequests to John or, if he predeceased her, to John's children. John and Linda divorced. Five years after the divorce, Linda died in an automobile accident,[40] leaving a probate estate. John's children contended that they were entitled to the bequests to John under Linda's will. Throughout its opinion, the court referred to John's children as Linda's "stepchildren," ***even though John and Linda were divorced when Linda died.***

Similar usage of the terms "stepchild" and "stepmother" is found in *Rogers v. Rogers*, 136 Mich App 125 (1984), *lv gtd* 422 Mich 938 (1985); *lv den* 424 Mich 868 (1986). Charles and Faith Rogers were married in 1938. They each had three children

[40] Linda died December 23, 1984, before the 1985 amendments to § 2922.

from their respective prior marriages. In 1956, they purchased some real estate on land contract which indicated that they were to receive the property as husband and wife. In 1961, Charles and Faith executed a "joint will" indicating a desire to leave the surviving spouse a life estate in their assets and dividing the remainder among their respective children after the second death. Charles died in 1969. The warranty deed in satisfaction of the land contract was issued in 1976. In 1981, Faith deeded the property to her son and daughter-in-law. Charles' son, Robert and his wife, Vada, filed an action to enforce the joint will. In the opinion, the court referred to Robert and Vada as Faith's "stepchildren" and referred to Faith as Robert's "stepmother" ***even though Charles had died 12 years earlier.***

In a taxation context, *In re Johnson Estate* 152 Mich App 200 (1986), the Court recognized that the step-relationship survived the death of ***both*** the natural ***and*** step-parent. Roy Johnson married Esther Pailthorp, who had two children from her prior marriage. Esther died first. Later, when Roy died, his will left the residue of his estate to Esther's children. The Michigan Department of Treasury sought to deny Roy's stepson an inheritance tax exemption on the ground that he was 17 years old when Roy and Esther married. Throughout its opinion, the court described Esther's children as Roy's "stepson" and "stepdaughter" ***even though Esther died before Roy.***

Finally, *In re Bennett Estate*, 255 Mich App 545 (2003), the court of appeals used "stepchild" yet again. John Bennett and his second wife, Aletha, each had four children from prior marriages. John executed a will, leaving his estate to Aletha, and if she predeceased him, then to John's four children and Aletha's children, in equal shares. After Aletha died, John married his third wife, Blanche. After John's death, a court battle insued between Blanche, John's children, and John's "stepchildren." The court referred to Aletha's children as John's "step-children," ***even though she had died before John.***

These consistent uses of "stepchild" by this Court and the judges of the Court of Appeals, in a variety of contexts, demonstrate the common understanding among the judiciary that "stepchildren" do not cease being "stepchildren" after the death of their biological parent, or even after the death of both the biological parent ***and*** step-parent.

Statutory uses of "stepchild" reflect the common understanding that step-relationships endure beyond death.

Like case law, statutes can also demonstrate society's common understanding of the duration of step-relationships. Several Federal statutes provide health insurance, survivor benefits, and other advantages for an individual's children and stepchildren.[41] At least two of them, the Social Security Act and the Internal Revenue Code, include interpretive regulations which reflect the ***common understanding*** that a stepchild's status does not terminate when the biological spouse dies.

The Social Security Act construes step-relationships as surviving death.

The best example is the Social Security Act (SSA).[42] When an insured worker becomes injured or dies, his or her children may be entitled to survivor benefits.[43] ***The SSA definition of "child" specifically includes a "stepchild."***

> (e) ***The term "child" means*** (1) the child or legally adopted child of an individual, (2) ***a stepchild*** who has been such stepchild for not less than one year immediately preceding the day on which application for child's insurance benefits is filed or (if the insured individual is deceased) not less than nine months immediately preceding the day on which such individual died, and . . . 42 U.S.C. 416(e) (emphasis added)[44]

Like so many statutes, the SSA does not define "stepchild." However, the Social Security Administration has addressed stepchildren in their Program Operations Manual System (POMS). One of the POMS bulletins **GN 00306.230 Stepchild Relationship Requirements**, lays out the technical requirements for being a stepchild. It also contains a specific provision that ***the death of the worker's spouse has no effect on the child's status as stepchild:***

> **A. Determining stepchild relationship**
>
> **1. A stepchild of the number holder (NH) is a child:**

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[41] Exhibit FF is a list of federal statutes which contain the word "stepchild," "step-child," "stepmother," "stepfather," or "stepparent."
[42] 42 U.S.Code §§ 401 *et seq.*
[43] 42 U.S.Code 402(d)(1)(C)
[44] See applicable excerpt, attached as Exhibit GG.

> • Whose relationship was created by the NH's marriage to the child's parent or adoptive (either legally or equitably) parent after the child's birth; . . .
> • Who was conceived before their parent's marriage to the NH (who is not the child's biological parent), and born after that marriage; or
> • Who was adopted before their adoptive parent's marriage to NH.
>
> * * *
>
> **3. Effect of death, divorce, or annulment**
>
> **a. Death**
>
> ***Death of a spouse does not end the parent-stepchild relationship.***
>
> . . . SSA - POMS: GN 00306.230 (1-12) (emphasis added).[45]

This bulletin confirms that the Social Security Administration does not automatically terminate the stepchild/stepparent relationship when the biological spouse dies.

The Internal Revenue Code construes step-relationships as surviving death.

The Internal Revenue Service's understanding of step-relationships is similar to the SSA's. The IRS allows a taxpayer to claim certain family members, including "qualified children," as "dependents." (See e.g. IRS Pub. 501 (12/29/2015)) The Internal Revenue Code (IRC) definition of a "qualified child" specifically includes the taxpayer's "stepson" and "stepdaughter":

> (f) Other definitions and rules
> For purposes of this section—
> (1) Child defined
> (A) In general The term "child" means an individual who is—
> (i) a son, daughter, ***stepson, or stepdaughter*** of the taxpayer, or
> (ii) an eligible foster child of the taxpayer.

26 U.S.Code § 152 (2016) (emphasis added)[46]

The Internal Revenue Code does not specifically define "stepson" or "stepdaughter," nor does that statute itself indicate whether the step-relationship terminates at the death of the biological parent. However, the IRS has published materials to assist

[45] See Exhibit HH.
[46] See applicable excerpt, attached as Exhibit II.

individuals in preparing their taxes that answer that question. A stepchild is included in the definition of a "member of household" for purposes of declaring a person as a dependent, ***even if the stepchild's natural parent is deceased***:

> **Member of Household or Relationship Test**
>
> To meet this test, a person must either:
>
> 1. Live with you all year as a member of your household, or
> 2. Be related to you in one of the ways listed under Relatives who do not have to live with you. If at any time during the year the person was your spouse, that person cannot be your qualifying relative. However, see *Personal Exemptions*, earlier.
>
> Relatives who do not have to live with you.
>
> A person related to you in any of the following ways doesn't have to live with you all year as a member of your household to meet this test.
>
> - Your child, ***stepchild***, foster child, or a descendant of any of them (for example, your grandchild). (A legally adopted child is considered your child.)
> - Your brother, sister, half brother, half sister, stepbrother, or stepsister.
>
> * * *
>
> - Your stepfather or stepmother.
>
> * * *
>
> ***Any of these relationships that were established by marriage aren't ended by death or divorce.*** IRS Publication 17, page 33 (2016) (emphasis added)[47]

These guidelines, like those of the Social Security Act, clearly demonstrate that in the most common survivor benefit and taxation contexts, the stepchild/stepparent relationship is regarded as surviving the death of the biological parent.

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[47] See applicable excerpt, attached as Exhibit JJ.

Obituaries reflect the common understanding that step-relationships survive the death of the natural parent.

Obituaries reflect society's common understanding of step-relationships, and, in particular, the continued use of "stepchild" to describe a child whose biological parent dies before a stepparent. It is difficult to imagine a better source of real-world evidence of society's common understanding of step-relationships between deceased people and their family members. A recent example is Nancy Reagan's obituary, published after her death on March 6, 2016.[48] Following her death, news outlets consistently referred to President Ronald Reagan's son, Michael Reagan, as Nancy's "step-son," and to Nancy as Michael's "step-mother."[49] In Mrs. Reagan's obituary, the New York Times stated: "Besides her son and daughter, survivors include Mrs. Reagan's ***stepson***, Michael Reagan, and her brother, Dr. Richard Davis. A ***stepdaughter***, Maureen Reagan, died in 2001."[50] The Washington Post used similar language: "Survivors include her daughter, Patti Davis; her son, Ron Reagan; and her ***stepson***, Michael Reagan."[51] Those references to a step-relationship reflect that it survived President Reagan's death, 11 years before Nancy.[52]

Nancy Reagan's obituary is not an anomaly. Obituaries of many famous people, including Dana Reeve,[53] Jayne Meadows,[54] June Carter Cash,[55] Louis Nizer,[56] E.B. White (died 1985),[57] and Kim D. Howe,[58] consistently refer to surviving "stepchildren" whose biological parents had all died previously.

If Nancy Reagan's step-relationship to President Reagan's children survived for 11 years following his death, and if those other famous people also have stepchildren after

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[48] http://www.biography.com/people/nancy-reagan-9453187 (accessed April 15, 2016) See Exhibit KK.
[49] See, e.g. New York Daily News, March 7, 2016: http://www.nydailynews.com/news/national/patti-davis-releases-terse-statement-nancy-reagan-death-article-1.2555173 (accessed April 15, 2016) See Exhibit KK.
[50] New York Times, March 7, 2016: http://www.nytimes.com/2016/03/07/us/nancy-reagan-a-stylish-and-influential-first-lady-dies-at-94.html?_r=0 (accessed April 15, 2016) See Exhibit KK..
[51] Washington Post, March 6, 2016: https://www.washingtonpost.com/national/nancy-reagan-dies-at-94-first-lady-was-a-defining-figure-of-the-1980s/2016/03/06/50966804-e3b9-11e5-b0fd-073d5930a7b7_story.html (accessed April 15, 2016) See Exhibit KK.
[52] Ronald Wilson Reagan died June 5, 2004: https://en.wikipedia.org/wiki/Ronald_Reagan (accessed April 15, 2016)
[53] Wife of actor Christopher Reeve. See Exhibit LL.
[54] Actress and wife of Steve Allen. See Exhibit MM.
[55] Wife of Johnny Cash See Exhibit NN.
[56] Well known lawyer and author. See Exhibit OO.
[57] Author of Charlotte's Web and Stuart Little. See Exhibit PP.
[58] Killed in auto accident involving Bruce/Caitlyn Jenner. See Exhibit QQ.

their spouses have died, Gordon Cliffman should be afforded the same privilege. In point of fact, to the day he died, Gordon regarded the Carters as his stepchildren, and they regarded Gordon as their stepfather. Gordon's obituary indicated that "Gordon is survived by his 4 step-sons: Elmer Carter, Phil Carter, Dave and Jodi Carter, Doug Carter, 11 grandchildren, 10 great-grandchildren. . . ."[59] To any objection that Gordon's obituary might be "self-serving" because it was written by his stepsons, the Carters would reply first, that it fell to them to write and publish it because they were closest to him; second, that Gordon's stepson, Philip Carter, was approved to serve as the personal representative of Gordon's estate precisely because of his close relationship to Gordon; and third, it never occurred to anyone that their affinity to Gordon would be challenged until the Appellees did so.

News articles further reflect the common understanding of "stepchild."

Like obituaries, mainstream newspapers and their respective websites also provide empirical evidence that step-relationships survive the death of the biological parent. After Robin Williams died in 2015, a dispute arose between his surviving spouse and his children from his first marriage. News reports consistently referred to his wife as the children's "stepmother."[60] [61] [62] [63]

Similarly, consider high profile attorney Lee V. Eastman, who died in 1991. In his obituary, the New York Times indicated that he was survived by two children from his first marriage, and by three stepsons.[64] In 2005, his widow Monique died.[65] Two years after Monique's death, a bitter dispute arose between Monique's children and Lee's children.

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[59] http://www.yntemafh.com/obituariesarchive.php?Post=cliffman--gordon. (accessed April 15, 2016) See Exhibit RR.
[60] http://money.cnn.com/2015/03/31/news/companies/robin-willliams-court-fight/ (accessed April 15, 2016) See Exhibit SS.
[61] http://www.people.com/article/robin-williams-family-settles-dispute-over-estate (accessed April 15, 2016) See Exhibit SS.
[62] http://www.huffingtonpost.com/entry/robin-williams-family-ends-legal-battle_us_56100ac6e4b0af3706e10c46 (accessed April 15, 2016) See Exhibit SS.
[63] http://www.latimes.com/local/lanow/la-me-ln-robin-williams-estate-court-20150330-story.html (accessed April 15, 2016) See Exhibit SS.
[64] http://www.nytimes.com/1991/08/02/obituaries/lee-v-eastman-81-entertainment-lawyer.html (accessed April 15, 2016) See Exhibit TT.
[65] http://www.legacy.com/obituaries/nytimes/obituary.aspx?pid=3556836 (accessed April 15, 2016) See Exhibit TT.

In its article on the dispute, the New York Times repeatedly referred to the contestants' relationship as that of "step-brothers," and the decedent as "stepmother."[66]

A third empirical example arose in Toledo, Ohio. Bonita LaPoint was the surviving spouse of multi-millionaire Rudolph LaPoint, who died in 1998. Rudolph and Bonita both had children from their prior marriages. Bonita died eight years later, in 2006. Bonita left a will which directed that her entire estate be given to her biological son and to various charities. Rudolph's children sued Bonita's estate, contesting her estate planning documents. The Toledo Blade reported the dispute, referring consistently to the parties as stepmother and stepchildren, even though Rudolph died eight years earlier.[67] That case was appealed to the Ohio Court of Appeals, which consistently referred to the parties in the same fashion. *LaPoint v. Templeton*, 6th Dist. No. F-07-014, 2008-Ohio-1792 (unpublished opinion, attached as Exhibit UU).

A final empirical example comes from Pittsburgh, Pennsylvania. Private school headmaster, Jack Pidgeon, died in 2008. Two years after his death, his children from his first marriage sued his widow, Barbara Hafer, alleging she misappropriated some of Mr. Pidgeon's assets. The Pittsburgh Post-Gazette and Triblive.com consistently referred to Jack's children as Barbara's "stepchildren" and to Barbara as their "stepmother," ***even though Jack was deceased.***[68] [69]

These news articles and opinions further illustrate society's common understanding that the stepchild/stepparent relationship survives the death of the biological parent.

Fairly Tales – perhaps the most reliable reflection of our cultural assumptions, recognize the enduring qualities of step-relationships.

Although the Carters readily concede that fairy tales and children's stories are rarely dispositive on any legal issues, this Court is free to consider such stories when determining the common understanding of when a stepparent/stepchild relationship ends.

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[66] http://www.nytimes.com/2007/11/27/nyregion/27eastman.html?_r=0 (accessed April 15, 2016) See Exhibit TT.

[67] http://www.toledoblade.com/West/2007/03/15/Stepchildren-challenge-LaPoint-will.html (accessed April 15, 2016) See Exhibit UU.

[68] http://www.post-gazette.com/local/east/2010/10/13/Hafer-named-in-estate-lawsuit/stories/201010130248 (accessed April 15, 2016) See Exhibit VV.

[69] http://triblive.com/x/pittsburghtrib/news/regional/s_704054.html (accessed April 15, 2016) See Exhibit VV.

Take, for example, Walt Disney's classic story, *Cinderella*. According to the story, after Cinderella's mother dies, Cinderella's father marries Lady Tremaine. After Cinderella's father dies, the storyteller continues to refer to Lady Tremaine as Cinderella's "stepmother," to Lady Tremain's daughters as Cinderella's "stepsisters" and to Cinderella herself as Lady Tremain's "stepdaughter."[70]

Likewise, in an equally popular classic Disney story, *Snow White*,[71] the main character lived with her "stepmother." *Id.*, at pg 6. Although the written story is unclear as to what happened to her parents, it is commonly understood that Snow White's mother died after giving birth, and that her father died under "suspicious circumstances."[72]

These two examples show that for the past 60 years or more, children who have read these stories (which is likely a vast majority of Americans under the age of 60) have been raised believing or understanding that stepmothers remain stepmothers, and stepchildren remain stepchildren, even after the biological parent dies.

From these empirical examples of the use of "stepchild," "stepson," "stepdaughter," and "stepmother" in obituaries, news stories, and childhood stories, it is abundantly clear that society does not believe that step-relationships end when the biological parent dies. Dictionary definitions are not clear ***one way or the other*** as to whether step-relationships end on the death of the stepchild's biological parent.

The Carters respectfully ask this Court to find that §2922 is ***ambiguous***, in which case this Court should look to relevant statutory history, including the transcripts from the Senate Judiciary Committee hearings where the legislature changed "children of the deceased's ***surviving*** spouse" to "children of the deceased's spouse." [See Appellants' Brief in Support of their Motion for Leave, Exhibits 4-7.] That statutory history supports the Carters' contention that the legislature clearly intended to include stepchildren whose biological parent died prior to the death of the step-parent.

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[70] Walt Disney Classic Storybook (Disney Press, 2014, pg. 97); "Walt Disney's Cinderella," adapted from the book Walt Disney's Cinderella, originally published by Western Publishing, Inc. Copyright © 1950 Disney Enterprises, Inc. See Exhibit WW.

[71] Walt Disney Classic Storybook (Disney Press, 2014, pg. 2); "Walt Disney's Stow White and the Seven Dwarf," adapted from the book Walt Disney's Show White and the Seven Dwarfs, originally published by Golden Press. Copyright ©1948 Disney Enterprises, Inc. See Exhibit XX.

[72] See http://disney.wikia.com/wiki/Snow_White (accessed April 15, 2016) See Exhibit YY.

In the alternative, the Carters ask this Court to adopt the reasoning in *Blessing* and *Patmon*, and determine that §2922 unambiguously allows ***all stepchildren*** the right to file claims, regardless of whether their biological parent is living.

Combs was wrongly decided and should be overturned.

The *Combs* majority discussed the termination of a ***marriage.*** It did not discuss the termination of ***step-relationships***. The court never attempted to parse the phrase "children of the deceased's spouse." Instead, the court detached the word "spouse" from the rest of the phrase, and from the rest of the statute. By doing so, the court detached "spouse" from its statutory context, and relied on a mechanical application of inapposite cases to deny the stepchildren any status in relation to their stepmother, merely because of their own father predeceased her. Once the *Combs* court decided to focus on the word "spouse," it proceeded to use a standard dictionary definition of "spouse" and two cases which had nothing whatever to do with step-relationships.

Notwithstanding this, it should be noted that *Combs* clearly had no trouble referring to Mrs. Combs' late husband's children as "stepchildren" even after their father's death six years earlier. This further supports the Carters' argument that courts believe that the stepchildren remain stepchildren even after the biological parent's death.

In Judge Whitbeck's defense, the parties in *Combs* failed to present what the Carters believe was the relevant issue. Rather than litigating the durability of the step-relationship after the death of the biological spouse, the litigants in *Combs* bound the Court of Appels' hands, and this Court's hands, by limiting the issue to whether a marriage terminated on one spouse's death:

Statement of Questions

> In the context of MCLA 600.2922(3)(b), is a person a deceased's spouse if that person predeceased the decedent?
>
> The trial court answered "No."
>
> Appellants contend the answer should be "Yes."[73]

[73] In the Matter of Ellen Combs, deceased, Michigan Court of Appeals File 237358 (2001). Appellants' Brief on Appeal, filed December 10, 2001.

This was the same issue erroneously presented on the Carters' Application for Leave to this Court:

QUESTION BEING PRESENTED FOR REVIEW

In the context of MCLA 600.2922(3)(b), is a person a deceased's spouse if that person predeceased the decedent?

The trial court and court of appeals answered "No."

Appellants contend the answer should be "Yes."[74]

Instead of discussing the durability of the step-relationship, the parties in *Combs* urged the court to focus on whether a marriage is terminated at the death of one of the spouses. Framed in that fashion, the court had no obligation (or freedom) to address the enduring nature of the relationship between stepparent and stepchild, which is really the crux of the statutory provision, and no choice but to answer the question in the negative. "[A] court must consider issues largely as they are framed by the litigants and on the factual record developed by the litigants...." Robert P. Young, Jr., *A Judicial Traditionalist Confronts Justice Brennan's School of Judicial Philosophy,* 33 Okla. City U. L. Rev. 263, 284 (Spring 2008).

In support of its conclusion, *Combs* relied on three cases,[75] all of which are inapposite to the question presented here, whether a stepchild remains the "child of a decedent's spouse" if the stepchild's natural parent is deceased. Instead of focusing on the meaning of the words "child" and "children," the *Combs* court seized upon the meaning of the word "spouse" and, applying decisions interpreting that term in completely different contexts, incorrectly concluded that the step-relationship terminates at the instant of the death of a stepchild's natural parent.

The cases on which the *Combs* Court relied did not involve step-relationships and did not arise under the Wrongful Death Act. They involved totally separate statutory schemes that, unlike the Wrongful Death Act, prescribed criteria for determining (for other

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[74] In the Matter of Ellen Combs, deceased, Michigan Supreme Court File 124398 (2001). Appellants' Brief in Support of Application for Leave, filed August 7, 2003.

[75] *Tiedman v Tiedman*, 400 Mich 571; (1977); *Cornwell v Dep't of Social Services*, 111 Mich App 68 (1981); and *Byington v Byington*, 224 Mich App 103 (1997)

purposes) whether one is a "child" or "spouse," treating those terms as "technical terms" thus rendering the common understanding of the term child irrelevant under MCL 8.3a.

The *Combs* majority's focus ***and over-reliance*** on the dictionary definition of "spouse" is somewhat reminiscent of the infamous law school twosome of the "bean case"[76] and "tomato case."[77] The Tariff Act of 1883 imposed three levels of tax: First, it imposed a 20% duty on the importation of "***[g]arden seeds***, except seed of the sugar beet."[78] Next, the tariff schedule imposed a lower rate of 10% for "provisions," which the schedule defined as:

> "amongst other things, beef and pork, cheese, butter, lard, wheat, rye, barley, [I]ndian corn, oats, meal, flour, potato or corn starch, rice, hay, different kinds of fish, pickles, potatoes; ***vegetables in their natural state***, or in salt or brine, not specifically enumerated or provided for in this act, vegetables prepared or preserved, currants, dates, fruits of various kinds, almonds, walnuts, peanuts, etc." *Robertson,* at 414 (emphasis added)

Lastly, the tariff schedule listed "sundries" for which ***no tax*** was owed. This category include all "[p]lants, trees, shrubs, and vines of all kinds not otherwise provided for, ***and seeds of all kinds***, except medicinal seeds, ***not specially enumerated or provided for in this act,***" and also any "fruits, green, ripe, or dried" from the tariff.[79]

Robertson. The taxpayer/plaintiff in *Robertson* imported a shipment of white beans. The taxing authority wanted to categorize the beans as "garden seeds," subject to the highest 20% levy. The taxpayer argued the white beans were not "garden seeds," and that they should be categorized under the tariff schedule for "sundries" which was defined to include "seeds of all kinds except medicinal seeds, not specially enumerated or provided for in this act," and thus subject to no tax at all. In the alternative, the taxpayer argued that beans should be classified as food products, subject to the 10% tax. The lower court refused to allow the taxpayer to present any evidence to establish the "common designation" of beans as an article of food, rather than as seeds. The Court found this prohibition to be in error. "[Evidence of the] common designation as used in everyday life, when beans are

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[76] *Robertson v. Salomon*, 130 U.S. 412 (1889) See Exhibit ZZ.
[77] *Nix v. Hedden*, 149 U.S. 304 (1893) See Exhibit AAA.
[78] *Robertson*, at 414.
[79] *Nix*, at 305 (1893)

used as food, (which is the great purpose of their production,) would have been very proper to be shown in the absence of further light from commercial usage." *Id.,* at 415.

The Supreme Court distinguished and discussed the three categories of duty items: "seeds," "provisions" and "sundries." The Court ruled that, although beans could be planted in a garden, they were not treated as commodities, or commercially treated as "garden seeds." The Court also opined that although beans, like walnuts, were technically "seeds," under a botanist perspective, they were certainly not "seeds" in commerce nor in common usage. The Court favored the common knowledge definition of "bean" as a "vegetable" for use in cooking, baking, or for the basis of soup. *Robertson*, at 414. In support of its holding, the Court stated simply: "Beyond the common knowledge which we have on this subject, very little evidence is necessary, or can be produced." *Id.*

Nix. The taxpayer/plaintiff in *Nix* imported a shipment of tomatoes. The tax collector wanted to classify the tomatoes as "vegetables," subject to the 10% tax, while the plaintiff wanted to classify the tomatoes as "fruits," which were duty-free. The plaintiff cited three dictionary definitions of "vegetable" and "fruit," all of which conclusively established that a tomato was technically a "fruit" not a "vegetable."

The Court disregarded the technical dictionary definitions. Instead, the Court took judicial notice that "fruits" and "vegetables" had acquired no "special meaning" and were, therefore, common terms subject to ordinary meanings. The Court held that "dictionaries are admitted, not as evidence, but only as aids to the memory and understanding of the court." *Id.* The Court acknowledged those definitions of "fruit" and "vegetable", but chose to disregard them. Rather than the dictionary definitions, the Court applied empirical evidence of the common usage and understanding of those terms, and found tomatoes to be "vegetables," not "fruits." In defense of its definition, the Court cited *Robertson*, stating that "[b]eyond the common knowledge which we have on this subject, very little evidence is necessary, or can be produced." *Id., citing Robertson, supra.*

In both *Nix* and *Robertson* the parties urged the Court to use dictionary and technical definitions, both of which proved to be out of context with the common use of those terms. The *Combs* majority did the exact same thing with "spouse." The Carters respectfully ask that this Court take into consideration the common understanding of the

word "stepchild" as it is understood in society, not just as it appears in the vacuum of a dictionary.

Combs should also be overturned for a second, and perhaps an even stronger reason. The majority in *Combs* expressly ***and improperly*** imputed "surviving" into §2922. This was an imposition of the court's own interpretation of the statute, which violates virtually all textualist canons. In its brief analysis [sic], the court summarily held that "we conclude that appellants are; not the "children of the deceased's spouse" because the deceased, Ellen Combs, had no spouse ***at the time of her death***." *Combs*, at p 625 (emphasis added) There is no language in the statute which requires that the decedent have a spouse "at the time of her death."

Overturning prior Court of Appeals decisions

Combs was required to be published, since it involved the construction of a statute. MCR 7.215(B)(2). As a published case, *Combs* has precedential value at the Court of Appeals level under MCR 7.215(C). However, it is not binding on this Court. *Spectrum Health Hosps v Farm Bureau Mut Ins Co of Michigan,* 492 Mich 503, 536 (2012). The Carters' request to have *Combs* overturned does not involve overruling a prior holding, ruling, or opinion of this Court, and thus does not involve the typical issues involved with the Court overturning a prior Supreme Court case otherwise subject to *stare decisis*.

In any event, "[w]hile there is a presumption in favor of upholding precedent, this presumption may be rebutted if there is a special or compelling justification to overturn precedent. *Petersen v Magna Corp*, 484 Mich 300, 319-320 (2009). This Court's overturning of *Combs* is both justifiable and warranted. "[T]he Court is not constrained to follow precedent when governing decisions are unworkable or are badly reasoned. *Robinson v Detroit*, 462 Mich 439, 464 (2000).

This Court has well-established guidelines for when prior law should be overturned. *People v Tanner*, 496 Mich 199 (2014).

> Before this court overrules a decision deliberately made, it should be convinced not merely that the case was ***wrongly decided***, but also that ***less injury will result from overruling than from following it.*** ***When it becomes apparent that the reasoning of an opinion is erroneous, and that less mischief will result from overruling the case rather than following it,***

it becomes the duty of the court to correct it. *Id.* pg. 250, quoting *People v Graves*, 458 Mich 476, 480-481 (1998) (emphasis added).

The *Tanner* court reaffirmed that when performing a *stare decisis* analysis, the Court should consider, *inter alia*:

1. whether the prior case defies "practical workability";
2. whether reliance interests would work an undue hardship; and
3. whether changes in the law or facts no longer justify the questioned decision.

Id. at pgs. 250-251.

Combs has proven to be wholly unworkable. As outlined in the Carters' Brief in Support of Application for Leave, the *Combs* court deviated from the prior court practice of using probate statutes *in pari materia* to define the terms of the Wrongful Death Act. *See, e.g. Lindsey*,[80] *Renaud*,[81] and *Turner*.[82] By doing so, *Combs* has created an incongruity among courts on how they should interpret the Wrongful Death Act. By looking to dictionaries rather than probate statutes, *Combs* takes the words of the Wrongful Death Act out of context of the larger statutory scheme.

Regarding the issue of reliance interests, "the Court must ask whether the previous decision has become so embedded, so accepted, so fundamental to everyone's expectations that to change it would produce not just readjustments, but practical real-world dislocations." *Robinson*, at 466. *Combs* has not become so entrenched into this state's jurisprudence to justify keeping it intact. There have been no direct challenges or appellate discussions of *Combs* to substantiate any contention that it has become "embedded" law. There are no strings of cases following *Combs* to show that it has become "embedded, accepted or fundamental" to the point where anyone is acting in reliance on that court's holding. Similarly, overruling *Combs* would not be a hardship on anyone, or on the courts, except perhaps that the attorney petitioning the court for approval of a settlement would have to locate and serve any affected stepchildren. Such a minor increase in paperwork

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[80] *Lindsey v Harper Hospital*, 455 Mich 56, 564 NW2d 861 (1997) (defining personal representative to include temporary personal representative)

[81] *In re Renaud Estate Boling v. Renaud*, 202 Mich App 588 (1993), lv den 444 Mich 987 (1994) (defining descendant to *exclude* a child who was given up for adoption)

[82] *In re Claim of Rodney Turner, Turner v Grace Hospital*, 209 Mich App 66 (1995); application for leave granted 451 Mich 899 (1996); leave vacated and lower court ruling reversed 454 Mich 863 (1997) (refusing to define child according to statutory definition)

can hardly be construed as a hardship significant enough to thwart the purpose of the 1985 amendment. Certainly it would be no more onerous than a probate attorney having to locate heirs-at-law, such as grandchildren, nieces, nephews and cousins in the event of an intestate estate.

Lastly, there have been no changes in the law or facts which would warrant keeping *Combs* on the books as precedential case law. Two unpublished Michigan Court of Appeals cases[83] have followed *Combs,* and at least one out-of-state case has mentioned it.[84] Aside from those limited examples, *Combs* has not been challenged or discussed, until now. It would be absurd to conclude that a lack of legal challenge over a 9-year period[85] would mean as a matter of law that a case such as *Combs* has become "embedded" into our jurisprudence. It is impossible to know for certain how many wrongful death cases involving stepchildren with deceased biological parents have been brought in Michigan over the past 13 years. It is also impossible to know how many of those cases involved litigants who were aware (or unaware) of *Combs*. One thing is for certain: wrongful death cases involving step-children will become more common as our society becomes more "non-traditional" insofar as our family units are concerned. To this end, this Court may take judicial notice of the fact that there are more non-traditional marriages and step-families than ever before.

In summary, even if *Combs* were of precedential value to this Court, it is clear that it was wrongly decided, due to the lack of substantive analysis. This alone justifies this Court reevaluating it, and giving due consideration to overturning it. *Combs* has ***not*** become embedded into our jurisprudence, and correcting it will ***not*** cause any sort of injustice or undue hardship on anyone. Accordingly, the Carters respectfully ask this Court to overturn *Combs*.

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[83] *Patmon, supra*; and *Galeski, supra.*
[84] See, *e.g. Blessing, supra.*
[85] *Combs* was decided in 2003, and Mr. Cliffman died in 2012.

CONCLUSION AND REQUEST FOR RELIEF

Based on the foregoing discussion, the Carters respectfully request that this Court find that the 1985 amendments to §2922 are ambiguous on the issue of whether step-relationships terminate upon the death of the stepchild's biological parent, and, having found ambiguity in the statute, to determine that the legislative history of §2922 clearly shows that the Michigan legislature intended to include stepchildren whose biological parent died before the stepparent.

In the alternative, the Carters ask that this Court find that §2922 unambiguously allows ***all*** stepchildren to file claims, regardless of whether their biological parent is surviving or deceased.

In either event, the Carters respectfully ask this Court to overrule *Combs*, to reverse the Court of Appeals ruling in this matter, and remand this case to the Probate Court for administration of this case consistent with the findings of this Court.

Respectfully,
Law Office of Kenneth A. Puzycki, PLLC

5-4-16
Date

Kenneth A. Puzycki (P45404)
Attorney for the Appellants

LIST OF EXHIBITS

EXHIBIT A	Michigan Supreme Court Order Considering Application for Leave, dated March 23, 2016
EXHIBIT B	*Sjogren v Metro Prop & Cas Ins Co*, 703 A2d 608 (RI, 1997)
EXHIBIT C	*In re Bordeaux's Estate*, 225 P2d 433 (Wash. 1950)
EXHIBIT D	*Randolph v. Nationwide Ins.*, 170 Misc.2d 364 (N.Y. Misc. 1996)
EXHIBIT E	*State v. Lowe*, 861 N.E.2d 512 (Ohio 2007)
EXHIBIT F	*Galeski v. Wajda*, an unpublished opinion *per curiam* of the Court of Appeals, issued December 1, 2005 (Docket No. 260878)
EXHIBIT G	*Patmon v. Mendelson Orthopedics, P.C.*, an unpublished opinion *per curiam* of the Court of Appeals, issued December 23, 2014 (Docket No. 318307)
EXHIBIT H	*In re Estate of Blessing*, 273 P3d 975 (Wash. 2012)
EXHIBIT I	*Depositors Trust Co. of Augusta v. Johnson*, 222 A.2d 49 (Maine 1966)
EXHIBIT J	*Farnsworth v. Iowa State Tax Comm*, 132 N.W.2d 477 (Iowa 1965)
EXHIBIT K	*In re Estate of Iacino*, 189 Colo 513, 542 P.2d 840 (Colo. 1975)
EXHIBIT L	*Dennis v Commissioner of Corporations and Taxation*, 340 Mass 629 (1960)
EXHIBIT M	*Lavieri v, Commissioner of Revenue Services*, 184 Conn. 380 (1981)
EXHIBIT N	*Tax Comm. v Estate of Bissell*, 377 A2d 305 (1977)
EXHIBIT O	*Steele v. Suwalski, 75 F.2d 885 (1935)*
EXHIBIT P	*Mutual of Omaha Ins. Co. v Walsh*, 395 F.Supp. 1219 (D.Mont. 1975)
EXHIBIT Q	*Brotherhood of Locomotive Firemen and Enginemen v. Hogan et al.*, 5 F. Supp. 598 (1934)
EXHIBIT R	*Remington v Aetna Cas & Surety Co.*, 35 Conn App 581; 646 A2d
EXHIBIT S	*Rhodes v. McAfee*, 457 S.W.2d 522 (Tenn. 1970)
EXHIBIT T	*State v. Vidales*, 571 N.W.2d 117 (Neb. 1997)
EXHIBIT U	*State v Gish*, 352 S.E.2d 800 (Ga. Ct. App. 1987)
EXHIBIT V	See *Tennessee Atty. Gen. Op. No. 05*
EXHIBIT W	*State v. Blair*, 2013 Ohio 3477 (2013)
EXHIBIT X	Ark. Code Ann. 16-62-102 (2010)
EXHIBIT Y	Cal. Civ. Proc. Code § 377.60(b)
EXHIBIT Z	Del. Code Ann. Title 10, §3724 (2016))
EXHIBIT AA	Idaho Code Ann. § 5-311 (2010)
EXHIBIT BB	Md. Code Ann., Cts. & Jud. Proc. 3-904 (2016)

EXHIBIT CC	Or. Rev. Stat.. § 30.020 (2011)
EXHIBIT DD	Utah Code Ann. § 78B-3-105 (LexisNexis 2012)
EXHIBIT EE	Wash. Rev. Code § 4.20.020)
EXHIBIT FF	List of Federal Statutes containing "stepchild" "step-child" "stepson"
EXHIBIT GG	42 U.S.C. 416(e) (excerpt)
EXHIBIT HH	SSA - POMS: GN 00306.230 (excerpt)
EXHIBIT II	26 U.S.C. § 152 (2016) (excerpt)
EXHIBIT JJ	IRS Publication 17 (excerpt)
EXHIBIT KK	Miscellaneous Nancy Reagan Obituary articles
EXHIBIT LL	Dana Reeve obituary articles
EXHIBIT MM	Jayne Meadows obituary articles
EXHIBIT NN	June Carter Cash obituary articles
EXHIBIT OO	Louis Nizer obituary articles
EXHIBIT PP	E.B. White obituary articles
EXHIBIT QQ	Kim D. Howe Obituary articles
EXHIBIT RR	Gordon Cliffman obituary
EXHIBIT SS	Robin Williams articles
EXHIBIT TT	Lee V. Eastman Articles
EXHIBIT UU	Bonita / Rudolph LaPointe Articles and Case
EXHIBIT VV	Jack Pidgeon / Barbara Hafer Articles
EXHIBIT WW	Cinderella Excerpt
EXHIBIT XX	Snow White Excerpt
EXHIBIT YY	Snow White - father's death information
EXHIBIT ZZ	*Robertson v. Salomon*, 130 U.S. 412 (1889)
EXHIBIT AAA	*Nix v. Hedden*, 149 U.S. 304 (1893)